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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,279	05/11/2001	Hossein Shenassa	40101/02101	8241
30636	7590	04/30/2004		
FAY KAPLUN & MARCIN, LLP 150 BROADWAY, SUITE 702 NEW YORK, NY 10038			EXAMINER PERVEEN, REHANA	
			ART UNIT	PAPER NUMBER
			2116	2

DATE MAILED: 04/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/854,279

Applicant(s)

SHENASSA ET AL

Examiner

Rehana Perveen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2001.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-24 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 11 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 10-15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Specifically, Claims 10-15 are directed to a software package without indicating any media containing such software package. Correction is therefore required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Huntington et al, Pub. No. US 2001/0047472 A1.

As to claim 21, Huntington et al teach reading a first set of plug-ins listed in an initial list, reading a second set of plug-ins listed in an end list, assembling a start-up sequence from the first and the second sets of plug-ins, wherein the first set of plug-ins

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is included in the startup sequence before the second set of plug-ins, and starting the plug-ins in the order corresponding to the startup sequence (abstract and page 3, 0017 & 0018).

As to claims 22 and 23, Huntington et al teach the first or the second set of plug-ins is null (page 3, 0017 & 0018).

As to claim 24, Huntington et al teach reading a third set of plug-ins unlisted in the initial list and the end list, wherein the third set of plug-ins are included between the first set of plug-ins and the second set of plug-ins in the startup sequence (figures 2 and 3, page 3, 0017 & 0018).

Claims 1-9 and 16-20 are directed to the system implementing the method of claims 21-24, and claims 10-15 are directed to the computer readable medium (assumed) of claims 21-24. Huntington et al teach the method as set forth in claims 21-24. Therefore, Huntington et al also teach the system as set forth in claims 1-9 and 16-20. Further, Huntington et al also teach the computer readable medium as set forth in claims 10-15.

Claims 1-24 are also rejected under 35 U.S.C. 102(e) as being anticipated by Goldberg et al, Patent No. 6,430,556.

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As to claim 21, Goldberg et al teach reading a first set of plug-ins listed in an initial list (tool directory list), reading a second set of plug-ins listed in an end list (user's home directory list), assembling a start-up sequence from the first and the second sets of plug-ins, wherein the first set of plug-ins is included in the startup sequence before the second set of plug-ins, and starting the plug-ins in the order corresponding to the startup sequence (col. 8 line 41 – col. 9 line 15).

As to claims 22 and 23, Goldberg et al teach the first or the second set of plug-ins is null (inherent, col. 8 line 41 – col. 9 line 15).

As to claim 24, Goldberg et al teach reading a third set of plug-ins unlisted in the initial list and the end list, wherein the third set of plug-ins are included between the first set of plug-ins and the second set of plug-ins in the startup sequence (current directory list, col. 8 line 41 – col. 9 line 15).

Claims 1-9 and 16-20 are directed to the system implementing the method of claims 21-24, and claims 10-15 are directed to the computer readable medium (assumed) of claims 21-24. Goldberg et al teach the method as set forth in claims 21-24. Therefore, Goldberg et al also teach the system as set forth in claims 1-9 and 16-20. Further, Goldberg et al also teach the computer readable medium as set forth in claims 10-15.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rehana Perveen whose telephone number is 703-305-8476. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on 703-308-1159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Rehana Perveen
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Technology Center 2100